

# Artificial Intelligence: Implications on the Justice System and the Practice of Law

Judge Scott Schlegel

Louisiana Fifth Circuit Court of Appeal





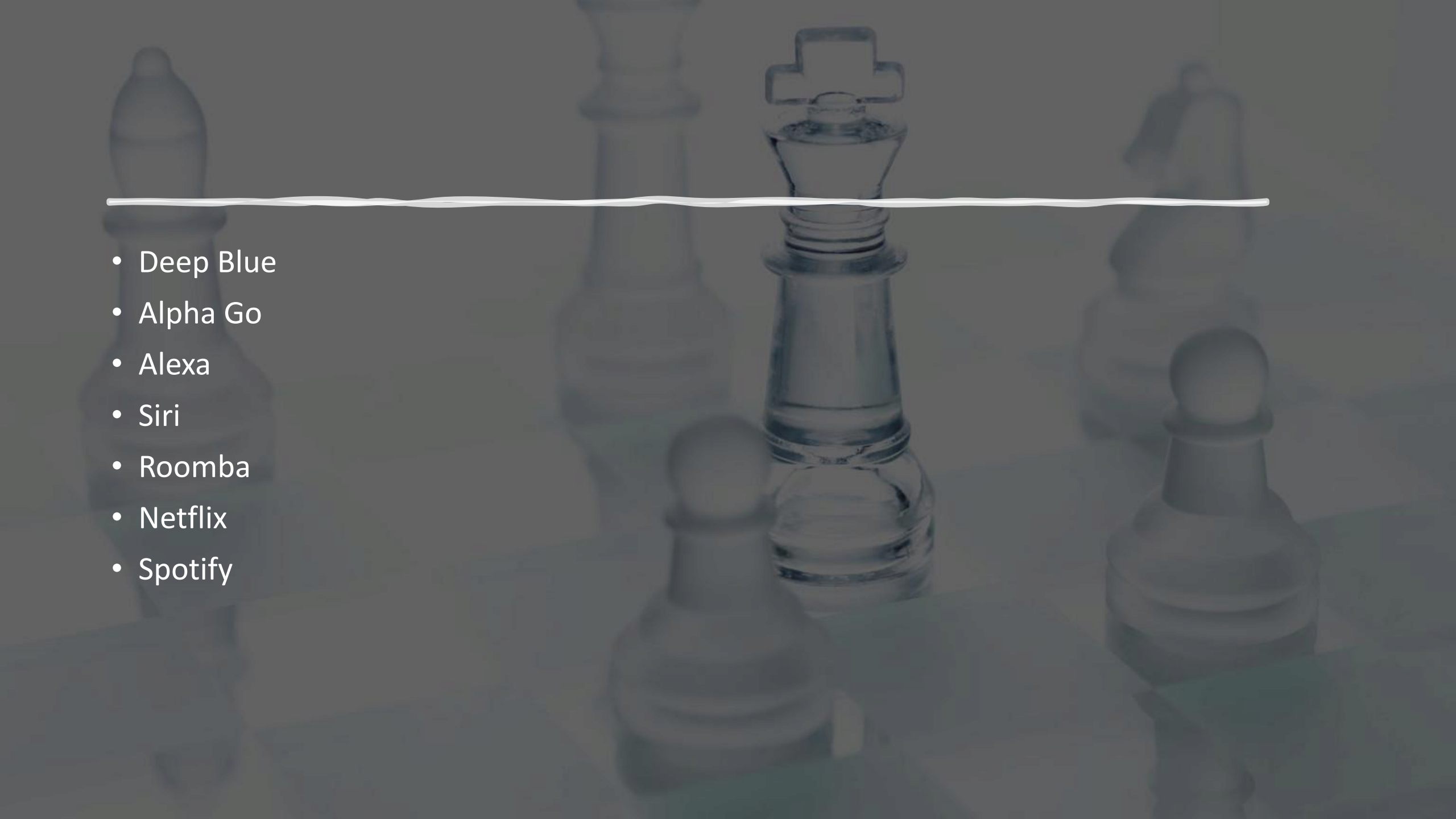
# Overview of AI and LLMs

A futuristic robotic hand, primarily white with black joints, is shown in a reaching motion. The background is dark with a bokeh effect of colorful lights. In the lower right, a digital interface is visible, featuring a grid of glowing blue and white data points connected by thin white lines, suggesting a complex network or data visualization.

November 30, 2022

# General Terms

- GOF AI
- GenAI
- LLM
- NLP
- AGI
- RAG
- Fine Tuning
- ASI

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- 
- Deep Blue
  - Alpha Go
  - Alexa
  - Siri
  - Roomba
  - Netflix
  - Spotify



The background of the slide is a blurred image of a document. A pen is visible in the upper right corner, and a large, bold blue checkmark is drawn across the center of the page. There are some faint numbers and text visible in the background, such as '2,5' and '2,47'.

# LLMs – ChatGPT, Claude, Gemini, Llama, Grok & Co-Pilot

Not trained to be a legal tool



A hand holding a blue pen is shown writing on a document. The document has a wavy underline. The background is blurred, showing a desk with a pen and some papers.

Should Lawyers use AI?



# Choose Your Warrior



#1



#2

# Choose Your Weapon



#1



#2



# Choose Your Pilot



#1



#2



Hallucinations: Blind reliance on ChatGPT can lead to serious problems (e.g. the unfortunate case of NY lawyer Stephen Schwartz).

# Court Orders Disclosing AI

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- Not specific, overreaching
- Bias of Judges



# Stifle Innovation

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394th Judicial District Court

Recording of this hearing or live stream  
is prohibited.

Violation may constitute contempt of  
court and result in a fine of up to \$500  
and a jail term of up to 180 days.

394th Judicial District Court



H. Gibbs Bauer



Jerry L. Phillips



rod ponton



# A Call for Education Over Regulation: An Open Letter



Tech & Gavel - Episode 1  
Chris Lawford interviews Judge Scott Schlegel

*Dear Colleagues -*

*In my humble opinion, an order specifically prohibiting the use of generative AI or requiring a disclosure of its use is unnecessary, duplicative, and may lead to unintended consequences. And I say this as a sitting Judge in the State of Louisiana, who frequently speaks on the topic.*

*The legal profession is already guided by stringent ethical standards and professional responsibilities. Rules 1.1, 1.6, and 3.3 of the ABA Model Rules of Professional Conduct adequately address issues of competence, confidentiality, and candor, all of which are pertinent to the use of generative AI technologies. And Comment 8 to Model Rule 1.1 even includes explicit guidance on lawyers' use of technology. Further, Rule 11 of the Federal Rules of Civil Procedure (and each state equivalent) already mandates that anyone who files a pleading or motion with the court must certify its correctness and veracity by way of signature. An additional, AI-specific order is not only redundant but could also create confusion given the rapid adoption of such tools*



# Using ChatGPT Is Like Getting Dinner At The Cheesecake Factory

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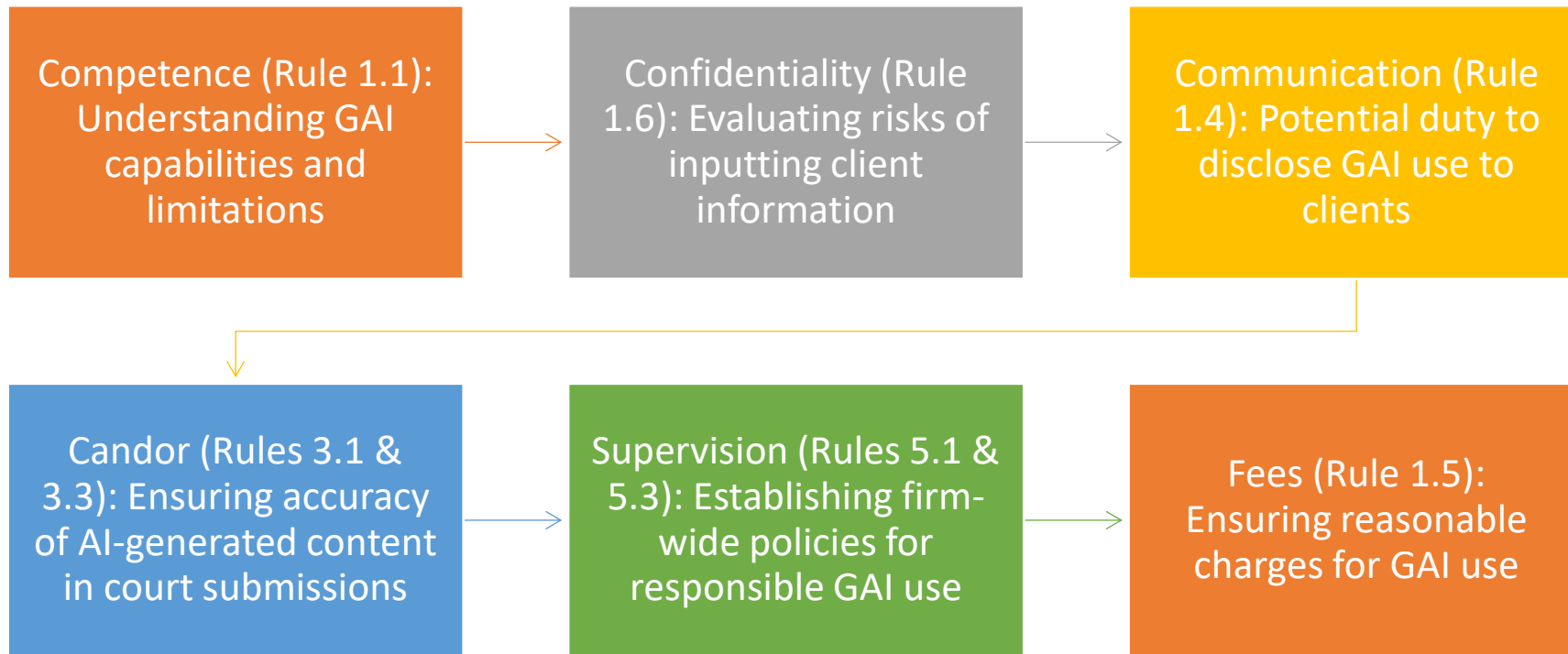


# LLMs - “A Man’s Best Friend”

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# American Bar Association issued Formal Opinion 512 on 7/29/24





## TECH COMPETENCE – ABA MODEL RULE 1.1

- COMMENT [8] TO MAINTAIN THE REQUISITE KNOWLEDGE AND SKILL, A LAWYER SHOULD KEEP ABREAST OF CHANGES IN THE LAW AND ITS PRACTICE, INCLUDING THE BENEFITS AND RISKS ASSOCIATED WITH RELEVANT TECHNOLOGY, ENGAGE IN CONTINUING STUDY AND EDUCATION AND COMPLY WITH ALL CONTINUING LEGAL EDUCATION REQUIREMENTS TO WHICH THE LAWYER IS SUBJECT.

What about Judges?



## Fifth Circuit AI Integration: Overview

- AI Task Force guides judiciary-wide policy
- Pilot projects underway with Westlaw Co-Counsel & Lexis AI
- 25+ participants in Fifth Circuit; 228 nationwide
- ***Fifth Circuit Clerk's Office AI focuses on narrow AI for operational efficiency***, not legal decision-making

## Narrow AI

- **Prompts matter:** careful phrasing prevents hallucinations
- Ensure requested output also prevents evaluations of legal sufficiency or case merits
- **Goal:** streamline clerk tasks, not substitute legal judgment



## Case Management in Practice: Conflict Screening

- COIP filings compared to recusal database using AI
- 40-page certificate now processed in seconds, not hours
- **~5,000 *briefs/year*** → major time savings with automation (one-half employee year)

## AI Chatbot For Internal Court Users

- AI Chatbot using Retrieval Augmented Generation (RAG) generates responses based upon authoritative sources.
- Prompts limit AI responses to the provided data, reducing danger of hallucinations by requiring the LLM to “stick to the facts.”
- Example: Internal Chatbot for FRAP, Local Rules, and Court IOP.



## Case Management in Practice: Motion Review

- AI extracts and structures data from extension motions
- Cross-references rules, prior requests, and case status
- Produces summary reports to support clerk

A hand holding a blue pen is shown writing on a document. The document has a wavy underline. The background is blurred, showing a desk with a pen and some papers.

Should Judges use AI?



## Coming Soon: AI Simplifies Electronic Filing

- An AI LLM trained on document types scans matters uploaded for filing. If attorney confirms the AI was correct, AI completes the docket event.

## Pro Se Filings – Next Frontier

- ~40% of Fifth Circuit appeals are pro se
- AI + OCR used to digitize and extract key pleading information
- **Goal:** assist with docketing and issue identification

## Looking Ahead: Future Possibilities

- Public-facing AI RAG chatbot for navigating the court's website and identifying case status
- Language translation of court materials
- Automated data entry from common court forms











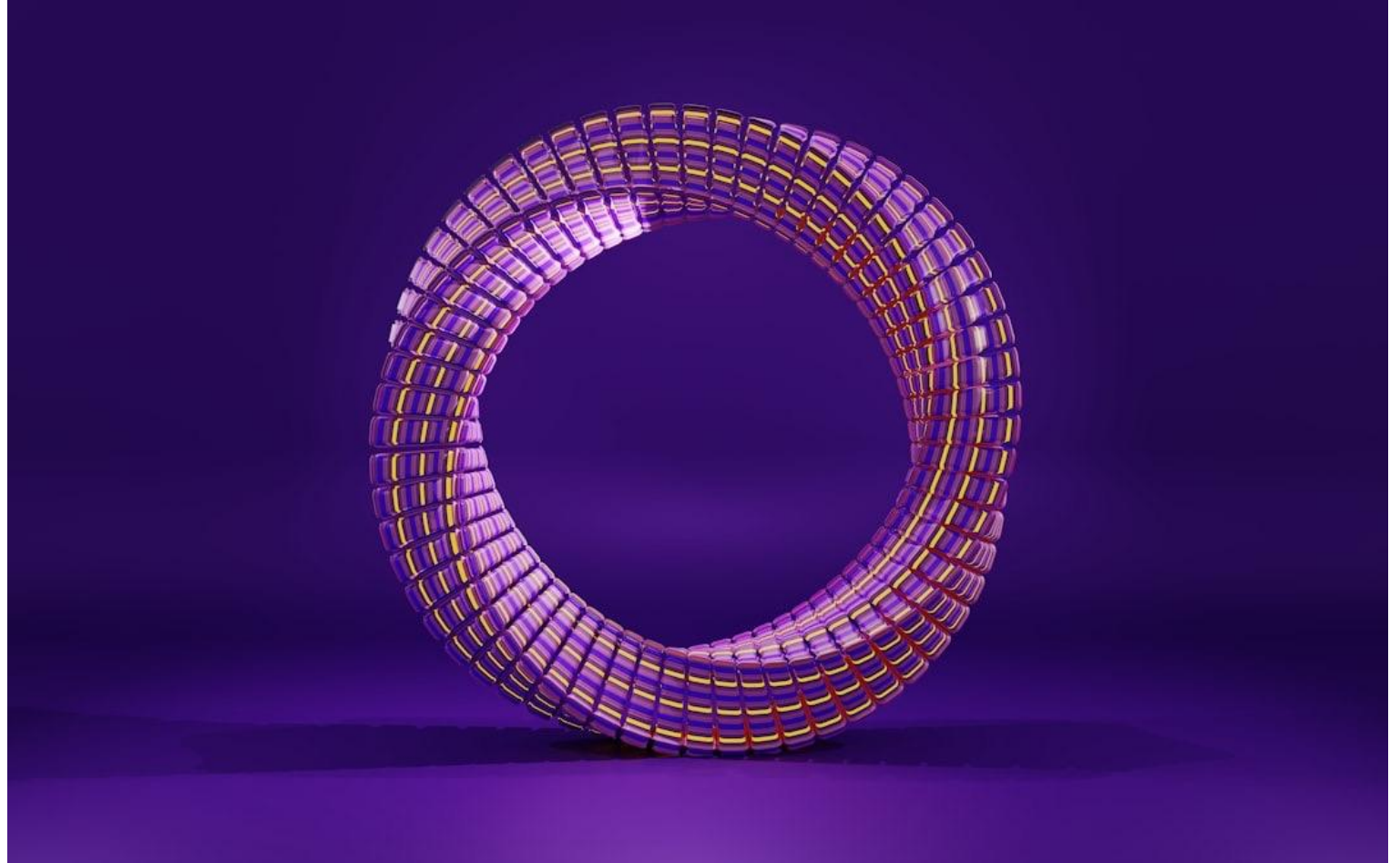


## Lessons from FSD



# Human in the Loop

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The Right Human in the Loop







# From Discomfort to Dependence— The Adoption Curve





# Judges/Courts Perspective

- How ChatGPT can assist judges in case research, precedent analysis, and summarization of complex legal concepts
- AI 3<sup>rd</sup> party “expert” disclosure under canons
- Judicial decision-making abdication vs directing
- Acts like a clerk
- AI could streamline the review process of motions and other court documents, helping judges manage their workload more efficiently.



# Federal Judge Uses ChatGPT To Make His Decision And It Makes More Sense Than You'd Think

Eleventh Circuit judge explains why he used generative AI to develop his reasoning in a recent case.

on • June 5, 2024 at 12:44 PM

To the extent federal judges acknowledge generative artificial intelligence at all, it's to [newsjack some cheap publicity by decrying it as a scourge](#) or to cynically distract from [discussing the ethical cesspool that's developed on their watch](#). Which makes a recent Eleventh Circuit concurrence by Judge Kevin Newsom an intriguing change of pace. Because, over the course of [a 32-page opinion](#), Newsom explains how he used ChatGPT and other large language model products to reach his decision.

And it makes a lot of sense.

An insurance company refused to cover its landscaper policyholder in a negligence claim over the installation of an in-ground trampoline. In fairness, that sounds like a deathtrap in the making if perfectly installed so I don't know what a negligence claim would look like, but that's neither here nor there. The question presented on appeal was whether or not installing a trampoline counts as "landscaping" based on the policy.

Judge Newsom begins his concurrence admitting that he agreed with the opinion in full but wished to "pull back the curtain on the process by which I thought through one of the issues in this case."

## The Sedona Conference Journal

Volume 26

Forthcoming 2025

### Navigating AI in the Judiciary: New Guidelines for Judges and Their Chambers

Hon. Herbert B. Dixon Jr., Hon. Allison H. Goddard, Maura R. Grossman, Hon. Xavier Rodriguez, Hon. Scott U. Schlegel & Hon. Samuel A. Thumma



February 2025

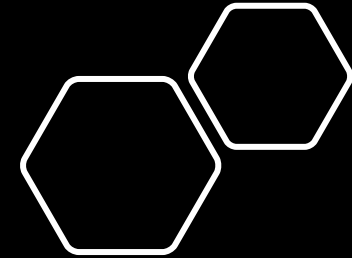
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#### Recommended Citation:

Hon. Herbert B. Dixon Jr. et al., *Navigating AI in the Judiciary: New Guidelines for Judges and Their Chambers*, 26 SEDONA CONF. J. 1 (forthcoming 2025), [https://thesedonaconference.org/sites/default/files/publications/Navigating%20AI%20in%20the%20Judiciary\\_PDF\\_021925.pdf](https://thesedonaconference.org/sites/default/files/publications/Navigating%20AI%20in%20the%20Judiciary_PDF_021925.pdf).

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# AI and Challenges to the Code of Evidence and Admissibility

- DV Trials – VM
- Sexual Harassment
- Insurance Coverage Decisions
- Hiring Decisions
- Wrongful Termination
- PI Cases – surveillance videos, FB posts etc
- Accident Reconstruction
- Fraudulent Insurance Claims





ARTIFICIAL INTELLIGENCE / TECH / POLICY

## Gym teacher accused of using AI voice clone to try to get a high school principal fired

/ Baltimore County police arrested Dazhon Darien on Thursday and say he used generative AI to fake a racist rant that sounded like the Pikesville High School principal.

By [Emilia David](#), a reporter who covers AI. Prior to joining The Verge, she covered the intersection between technology, finance, and the economy.

Apr 25, 2024 at 1:59 PM PDT

Image: The Verge



A physical education teacher and former athletic director of a Baltimore County high school has been arrested and charged with using an AI voice cloning service to frame the school's principal.



# Authenticity of Evidence

- Rise of deepfakes and AI-generated evidence.
- Need for AI-based validation tools to verify authenticity.
- Who are the experts - Daubert







Liar's Dividend







# Flux – TEDx Talk

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Prompt: A stylish woman walks down a Tokyo street filled with warm glowing neon and animated city signage. She wears a black leather jacket, a long red dress, and black boots, and carries a black purse. She wears sunglasses and red lipstick. She walks confidently and casually. The street is damp and reflective, creating a mirror effect of the colorful lights. Many pedestrians walk about.



## Resize it, retouch it. Just like that

AI editing capabilities help you get the exact photo you want, relocating objects and intelligently filling in empty spaces.<sup>8</sup>



How to use  
Photo Assist











Veo



# DEEPPAKES ARE HERE

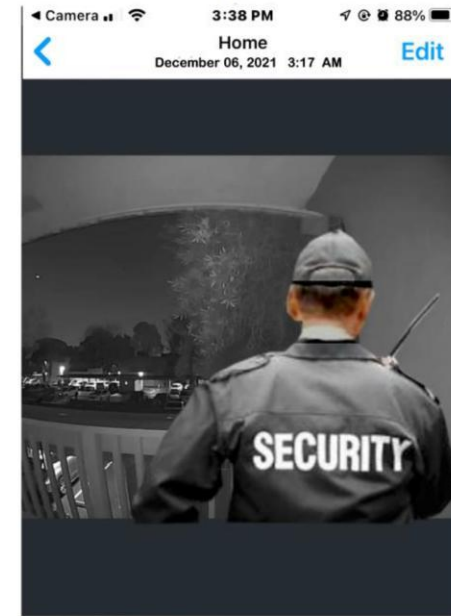
## 1. Exhibits 6A and 6C

The Court finds that exhibits 6A and 6C are products of GenAI and do not capture the actual speech and image of Geri Haas. In other words, these exhibits are deepfakes.

Here is a screenshot of exhibit 6A:



Here is a screenshot of exhibit 7, page 3:





Medical Records Meet AI: A Looming Challenge for Courts



# Medical Malpractice



Ensuring expert witness  
qualifications for AI-related  
testimony



# Expert Use of AI

***Matter of Weber,***  
***2024 NY Slip Op 24258,***  
***Surrogate's Court,***  
***Saratoga County***  
***(October 10, 2024)***

**Kohls et al v. Ellison et**  
**al, 24-cv-3754**  
**(D. Minn. 2025)**



Accident Reconstruction Today





Accident Reconstruction Tomorrow

# AI-Enhanced Evidence

## Washington judge bans use of AI-enhanced video as trial evidence



Getty Images

A judge in Washington banned the use of videos enhanced by artificial intelligence (AI) as evidence in the trial of a man who is accused of killing three people.



The ruling, signed Friday by King County Superior Court Judge Leroy McCullough, may be the first-of-its-kind ruling in court as AI tech emerges. It was [first reported](#) by NBC News.

"This Court finds that admission of this AI-enhanced evidence would lead to a confusion of the issues and a muddling of eyewitness testimony, and could lead to a time-consuming trial within a trial about the non-peer-reviewable process used by the AI mode," McCullough wrote.



VR EVIDENCE



- 
- 
1. Do we need to adapt the rules of evidence to address AI challenges
  2. Do we need to develop guidelines for AI usage in the court system
  3. What about UPL?
-

## US judicial panel wrestles with how to police AI-generated evidence

Nate Raymond • April 19, 2024 5:35 PM CDT Updated 4 days ago



Figurines with computers and smartphones are seen in front of the words "Artificial Intelligence AI" in this illustration taken, February 19, 2024. REUTERS/Dado Ruvic/Illustration/File Photo [Purchase Licensing Rights](#)

April 19 (Reuters) - A federal judicial panel on Friday struggled to determine whether or how to draft rules that would allow courts to ensure the authenticity and reliability of trial evidence generated by artificial intelligence.

For three hours during a hearing in Washington, D.C., the U.S. Judicial Conference's Advisory Committee on Evidence Rules heard from computer scientists and academics about the risks of AI being used to manipulate videos and images and create "deep fakes" that could taint a trial.

Advertisement · Scroll to continue

However, by the end of the discussion the eight-member panel charged with drafting evidence-related amendments to the Federal Rules of Evidence decided that proponents of one AI-related proposal needed to go back to the drawing board.

Some judges questioned whether old rules that predated the current AI boom were good enough to ensure the reliability of evidence.



# Rule 707. Machine-Generated Evidence

When machine-generated evidence is offered without an expert witness and would be subject to Rule 702 if testified to by a witness, the court may admit the evidence only if it satisfies the requirements of Rule 702 (a)-(d). This rule does not apply to the output of basic scientific instruments.



## Federal Rules of Evidence Article 901 Authenticating or Identifying Evidence

### **(c) Potentially Fabricated Evidence Created by Artificial Intelligence.**

**(1) Showing Required Before an Inquiry into Fabrication.** A party challenging the authenticity of an item of evidence on the ground that it has been fabricated, in whole or in part, by generative artificial intelligence must present evidence sufficient to support a finding of such fabrication to warrant an inquiry by the court.

**(2) Showing Required by the Proponent.** If the opponent meets the requirement of (1), the item of evidence will be admissible only if the proponent demonstrates to the court that it is more likely than not authentic.

**(3) Applicability.** This rule applies to items offered under either Rule 901 or 902.

## Positive Use Cases

- Informational Videos
- Civil & Criminal

## Dangers of Clones

- Evidentiary Issues
- Domestic Violence
- Fraud

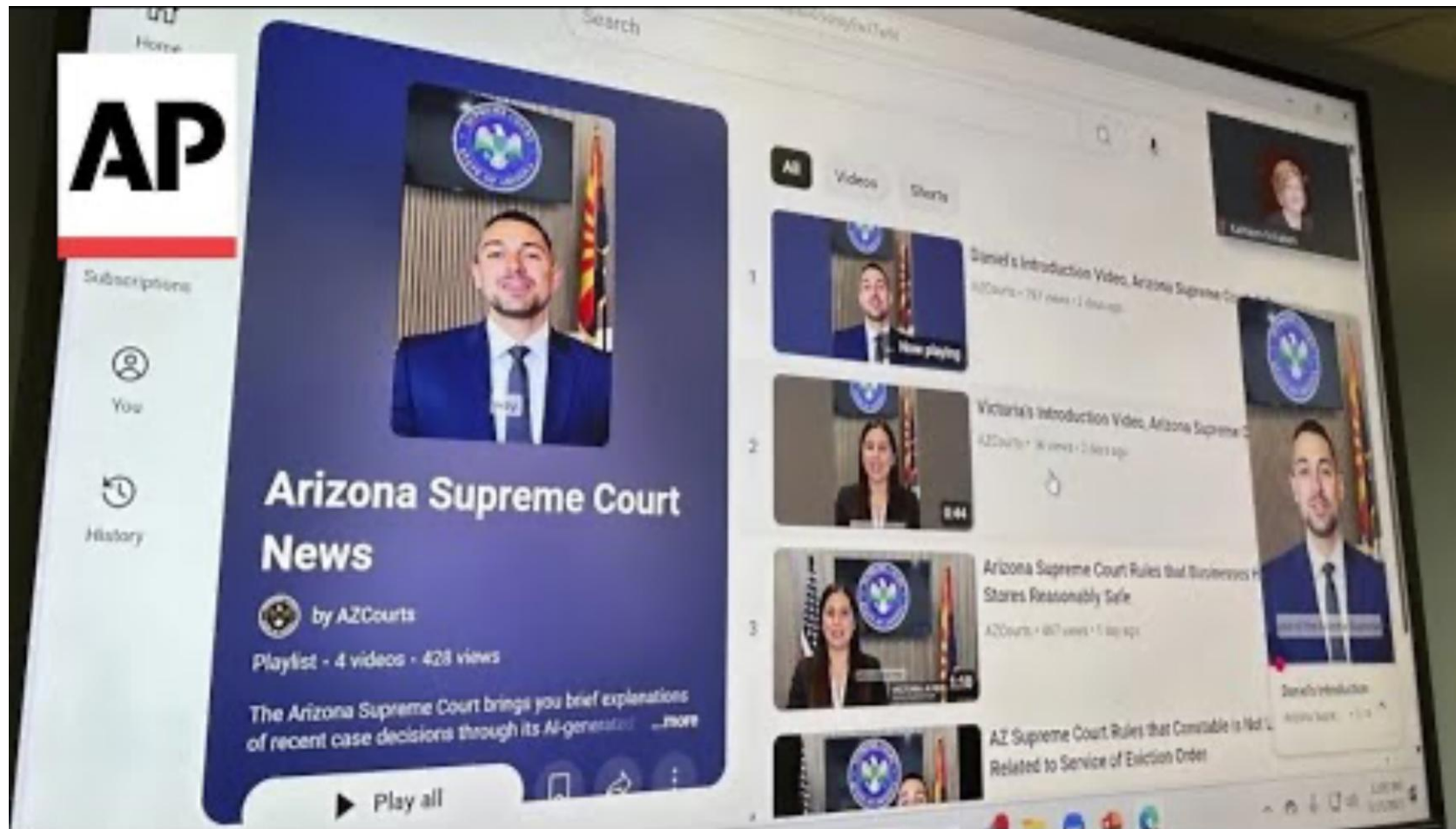


Multiple Languages



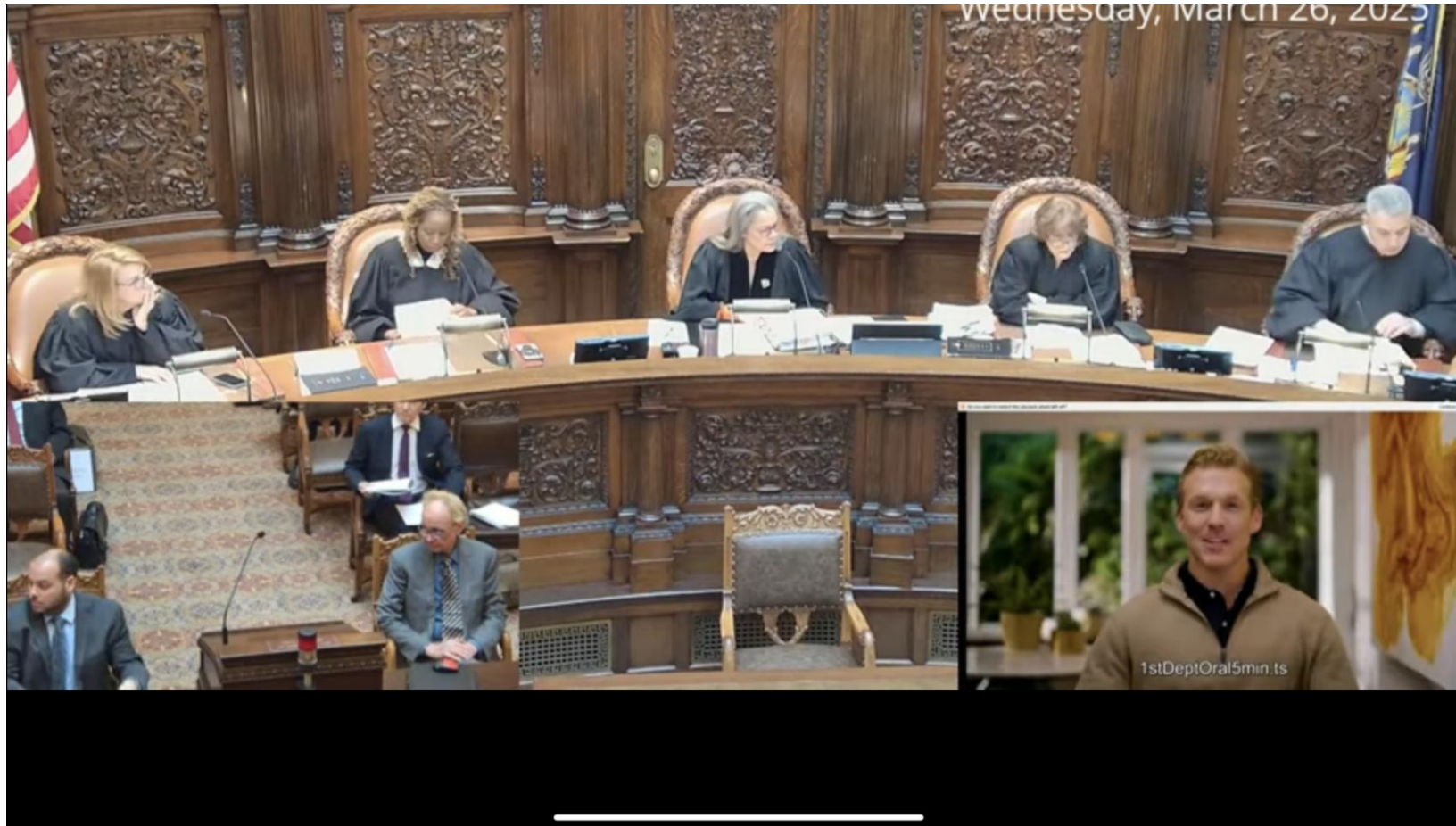


**MEMBERS OF THE JURY**




AZ Supreme Court Deploys AI  
Avatars





Appellant Sends AI Avatar to Argue





# Beyond the Grave – Victim Impact Statements

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# Court Reporting

- Speech-to-text for faster, accurate transcripts.
- Potential for real-time translation.
- Cost savings

# What did the Judge say?

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- Immediately Available Transcripts
  - Unofficial
  - Watermarked
- Cuts Down on Disputes Over Judgment
- Cuts Down on Costs of Litigation
- Builds Off of Online Calendar





